

REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 1, 2, 9, 10, 11, 12, 13, 14, 15, 22, 30, 31, 32, 33, 40, 42, 44, 45 and 48 have been amended. Claims 2, 9, 10, 11, 13, 30, 31, 33 and 48 have been amended to correct minor informalities. Claims 12 and 32 have been amended to recite that the peripheral system (or device) comprises a “transceiver.” Support for the amendments to the claims may be found throughout the specification, including, for example, at paragraphs 19, 20, 24, 30, 36, 48, 50 and 71, and Figure 2, among others. No new matter has been added.

Upon entry of the amendment, claims 1-48 will remain pending in the present application with claims 1, 22, 40, 42, 44 and 45 being independent.

1. Interview Summary

Applicants’ representative hereby acknowledges the telephonic interview conducted with Examiner Yonel Beaulieu on November 1, 2006. Claim 1, 10 and 12 were discussed. Agreement was tentatively reached that the references do not disclose, teach or fairly suggest, *inter alia*, an in-vehicle peripheral system comprising a short-range wireless transmitter for in-vehicle communications.

2. Rejection of Claims Under 35 U.S.C. §103

The Office Action rejects claims 1-9, 12, 14-17, 19-29, 32, 34-37, 39-42 and 44-48 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,505,106 to Lawrence et al. (“Lawrence”) in view of U.S. Patent 6,020,654 to Chutorash (“Chutorash”). Applicants respectfully traverse this rejection.

The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish a *prima*

facie case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the cited references and not based on the disclosure of the applicants. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Accordingly, to form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must disclose, teach or suggest every element of the claim. See MPEP § 2143.03, for example. Applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to disclose, teach or suggest every element recited in claims 1-9, 12, 14-17, 19-29, 32, 34-37, 39-42 and 44-48. Therefore claims 1-9, 12, 14-17, 19-29, 32, 34-37, 39-42 and 44-48 define over Lawrence in view Chutorash whether taken alone or in combination. For example, claims 1 and 40, as amended, recite the following language, in relevant part:

a communication interface ... configured to send additional information to an in-vehicle peripheral system other than the diagnostic and position-locating systems, wherein the in-vehicle peripheral system comprises a short-range wireless transmitter....

First, Applicants respectfully submit that Lawrence fails to disclose, teach or suggest:

a communication interface ... configured to send additional information to an in-vehicle peripheral system other than the diagnostic and position-locating systems...,

as recited in amended claims 1 and 40.

At pages 2 and 3, the Office Action contends that Lawrence teaches “a communication interface (item 36) configured to send additional information to a peripheral system/serial

interface (server 18) other than the diagnostic and position locating system” (Office Action, pages 2 and 3). Applicants respectfully disagree. Lawrence fails to disclose, teach or suggest that the input/output devices (36) of the data processing system (28) are configured to send additional information to an “in-vehicle peripheral system.” Rather, Lawrence discloses that “the in-vehicle data collection system 13 includes a cellular transceiver for transmitting information to a host 18” (Lawrence, col. 3, lines 22-24). Lawrence further discloses that “[t]he cellular transceiver 26 transmits data over the cellular Internet connection to the host 18” (Lawrence, col. 3, lines 65-66). The Office Action refers to the “host 18” as the peripheral system/serial interface. As is evident from reading the specification and more particularly from what is shown in FIG. 1 of Lawrence, the “host 18” or “analysis server 18” is located remotely from the vehicle and, therefore, is not an “in-vehicle peripheral system other than the diagnostic and position-locating system,” as recited in amended claims 1 and 40. Furthermore, Lawrence merely discloses that the “data processing system may include ... input/output devices 36” (Lawrence, col. 4, lines 1-3). Lawrence, however, fails to disclose, teach or suggest that the input/output devices 36 are configured “to send additional information to an in-vehicle peripheral system other than the diagnostic and position-locating systems,” as recited in amended claims 1, 22, 40 and 44. In fact, Lawrence does not disclose what the input/output devices 36 communicate with. Therefore, Lawrence fails to disclose, teach or fairly suggest “a communication interface ... configured to send additional information to an in-vehicle peripheral system other than the diagnostic and position-locating systems,” as recited in amended claims 1 and 40.

Second, Applicants respectfully submit that Lawrence fails to disclose, teach or suggest:

wherein the in-vehicle peripheral system comprises a short-range
wireless transmitter...

as recited in amended claims 1, 22, 40 and 44.

At page 3, the Office Action contends that Lawrence teaches “a short-range transmitter (14) configured to send information to the external peripheral device (18)” (Office Action, at page 3). Applicants respectfully disagree. Lawrence fails to disclose, teach or suggest an in-vehicle telematics system “wherein the in-vehicle peripheral system comprises a short-range wireless transmitter,” as recited in amended claims 1, 22, 40 and 44. Rather, Lawrence discloses “a cellular network 10 having a mobile exchange switch connected to a transceiver and an antenna 14” (Lawrence, col. 3, lines 14-15). Applicants respectfully submit that the “antenna 14” disclosed by Lawrence is neither a “short-range transmitter” nor “an in-vehicle peripheral system” and, further, is not an in-vehicle peripheral system that “comprises a short-range transmitter.” Rather, the “antenna 14” is a long-range cellular antenna located externally from the vehicle. Accordingly, Applicants submit that Lawrence also fails to disclose, teach or fairly suggest an in-vehicle telematics system “wherein the in-vehicle peripheral system comprises a short-range wireless transmitter,” as recited in amended claims 1, 22, 40 and 44.

Third, as correctly noted at page 4 of the Office Action, Lawrence does not teach that the “communication interface is configured to universally interface with different peripheral systems,” as recited in claims 1 and 40.

Claims 22 and 42 recite features similar to those recited in amended claims 1 and 20. Therefore, for analogous reasons, Applicants respectfully submit that Lawrence also fails to disclose, teach or suggest the features recited in claims 22 and 42. Therefore, Applicants respectfully submit that Lawrence fails to disclose, teach or fairly suggest every feature recited in claims 1, 22, 40 and 44, and, therefore, fails to disclose, teach or suggest every feature of the claims that depend therefrom.

The combination of Chutorash fails to remedy the shortcomings of Lawrence for the following reasons. At page 4, the Office Action contends that Chutorash teaches “a universal configuration of the communication interface with different peripheral devices” (Office Action page 4). Applicants respectfully disagree. First, FIG. 1 of Chutorash shows “[a]n interface

generally indicated at 20” (Chutorash, col. 1, line 66). However, it is not readily apparent that the interface is a “communication interface is configured to universally interface with different peripheral systems” as recited in claim 1. Furthermore, FIG. 4 of Chutorash shows “a schematic of an interface” (Chutorash, col. 2, line 38). Again, it is unclear whether the interface shown in FIG. 4 is a “communication interface ... configured to universally interface with different peripheral systems,” as recited in claim 1. For example, Chutorash merely discloses that “[a] plurality of vehicle components 60 are connected to the computer 38 and the computer 38 controls various settings of the vehicle components 60,” (Chutorash, col. 2, lines 49-52). Chutorash, however, fails to disclose, teach or suggest that this is a “communication interface ... configured to universally interface with different peripheral systems,” as recited in amended claims 1 and 40.

In contrast to Chutorash, amended claim 1 recites an in-vehicle telematics system “wherein the in-vehicle peripheral system comprises a short-range wireless transmitter.” In this context, Chutorash merely discloses that “[a] first communication device 62 is also connected to the computer 38. Most preferably, the first communication 62 is integrated into the computer 38 and comprises a cellular phone,” (Chutorash, col. 2, lines 52-55). A cellular phone, however, is not “a short-range wireless transmitter,” as recited in amended claim 1. Furthermore, Chutorash discloses that “[a] second communication device 64 is not connected to the computer 38 or the input device 22 and is located remote from the vehicle 36. The second communication device 64 is also preferably a cellular phone” (Chutorash, col. 2, lines 55-59). The second cellular phone 64 also is not “a short-range wireless transmitter,” as recited in amended claims 1, 22, 40 and 44. Neither the first cellular phone 62 coupled to the computer 38 nor the second, remote, cellular phone 64 can be considered to teach or fairly suggest an “in-vehicle peripheral system comprising a short-range wireless transmitter,” as recited in amended claims 1, 2, 22, 40 and 44. Therefore, Chutorash fails to disclose, teach or suggest an in-vehicle telematics system “wherein

the in-vehicle peripheral system comprises a short-range wireless transmitter,” feature as recited in amended claims 1, 22, 40 and 44.

As discussed above, the combination of Lawrence and Chutorash fails to disclose, teach or suggest these claim limitations. Accordingly, claims 1, 22, 40 and 44, and their respective dependent claims, are allowable.

Regarding claim 42 on page 3, the Office Action contends that Lawrence discloses a short-range transmitter (i.e., the transceiver/antenna 14) configured to send information to an external peripheral device (i.e., the remote host 18). However, as discussed above, the transceiver/antenna 14 of Lawrence is not located within the vehicle 15. Rather, Lawrence merely discloses that the transceiver/antenna 14 is part of the cellular network 10, and therefore, external to the vehicle (Lawrence, FIG. 2). Lawrence fails to disclose an in-vehicle telematics system comprising “an in-vehicle short-range wireless transmitter . . . configured to send information to an in-vehicle peripheral device,” as recited in amended claim 42.

Accordingly, claim 42 and claim 43, which depends therefrom, are allowable.

Regarding claim 45, on page 3 the Office Action contends that Lawrence teaches a voice interface (not explicitly shown) configured to send voice information, and states that the system in Lawrence is configured to send voice data using the telephone network 16 (citing col. 3, lines 20-31). Lawrence teaches the use of an external telephone network 16 to transmit data (Lawrence, FIG. 1), and a speech engine 146 (Lawrence, FIG. 7). However, Lawrence fails to disclose, teach or fairly suggest “an in-vehicle peripheral system ... wherein the in-vehicle peripheral system comprises a short-range wireless transmitter,” as recited in amended claim 45. Furthermore, Lawrence fails to disclose, teach or fairly suggest a voice interface that is configured to receive and send voice information. Although Lawrence discloses a speech engine 146, Lawrence fails to disclose, teach or fairly suggest that the speech engine is configured to receive and send voice information.

In contrast to Lawrence, amended claim 45 recites an in-vehicle telematics system comprising “a voice interface, communicating with a controller, configured to receive and send voice information to an in-vehicle peripheral system, wherein the in-vehicle peripheral system comprises a short-range wireless transmitter.” As discussed above, Lawrence fails to disclose this claim feature. Accordingly, claim 45 and the claims directly or indirectly depending therefrom are allowable.

Applicants further submit that Lawrence and Chutorash, whether taken alone or in combination, fail to disclose, teach or suggest that the peripheral system (or device) “comprises a transceiver,” as recited in amended claims 12 and 32.

In view of the above, Applicants respectfully submit that claims 1, 22, 40, 42, 44 and 45, and all claims directly or indirectly depending therefrom, are patentable and non-obvious over Lawrence in view of Chutorash as set forth in the Office Action. Accordingly, Applicants respectfully submit that claims 1-9, 12, 14-17, 19-29, 32, 34-37, 39-42 and 44-48 are allowable.

3. Rejection of Claims Under 35 U.S.C. §103

The Office Action rejects claims 10, 11, 13, 18, 30, 31, 38 and 43 under 35 U.S.C. §103(a) as being unpatentable over Lawrence and Chutorash and further in view of U.S. Patent 6,889,064 to Baratono et al. (“Baratono”). Applicants respectfully traverse this rejection.

As recited above, to form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must disclose, teach or suggest every element of the claim. See MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to disclose, teach or suggest every element recited in claims 10, 11, 13, 18, 30, 31, 38 and 43. Therefore claims 10, 11, 13, 18, 30, 31, 38 and 43 define over Lawrence in view Chutorash and further in view of Baratono whether taken alone or in combination. For example,

claims 1, 22 and 42 as amended, recite similar features. For example, claim 1 recites the following language, in relevant part:

a communication interface ... configured to send additional information to an in-vehicle peripheral system other than the diagnostic and position-locating systems, wherein the in-vehicle peripheral system comprises a short-range wireless transmitter....

As previously discussed, Lawrence and Chutorash, taken alone or in combination, fail to disclose, teach or suggest a “communication interface ... configured to universally interface with different peripheral systems,” as recited in amended claim 1. Additionally, Lawrence and Chutorash, taken alone or in combination, also fail to disclose, teach or an in-vehicle telematics system “wherein the in-vehicle peripheral system comprises a short-range wireless transmitter,” as further recited in amended claim 1. Moreover, Lawrence and Chutorash, taken alone or in combination, fail to disclose, teach or suggest a “voice interface,” as recited in claims 9, 29 and 30. Baratono fails to cure these defects in Lawrence and Chutorash, taken alone or in combination.

Baratono merely discloses a mobile or cellular telephone unit combined with a rear view mirror housing of an automobile to provide an improved telephone apparatus that enables a hands-free use by a driver while operating a vehicle (Baratono, abstract; FIGS. 1 and 2). Baratono merely discloses hands-free use, Bluetooth capability and infrared port applications (Baratono, abstract; col. 7, lines 33-35; col. 6, lines 35-38). However, Baratono fails to disclose, teach or suggest a “communication interface ... configured to universally interface with different peripheral systems,” as recited in amended claim 1. Additionally, Baratono fails to disclose, teach or suggest an-vehicle telematics systems comprising “an in-vehicle short-range wireless transmitter, communicating with the controller, configured to send information to an in-vehicle peripheral device,” as recited in amended claim 42. Claims 22 recites features similar to those discussed with reference to claim 1. Therefore, for analogous reasons, claims 1, 22 and 42 are allowable over Lawrence and Chutorash and further in view of Baratono.

Claims 10, 11, 13 and 18 depend from claim 1. Claims 30, 31 and 38 depend from claim 22. Claim 43 depends from claim 42. As discussed above, claims 1, 22 and 42 are allowable. For at least this reason, and the features recited therein, claims 10, 11, 13, 18, 30, 31, 38 and 43 also are allowable.

4. Status of Claim 33

The Office Action again fails to provide an explanation regarding the disposition of claim 33. Applicants respectfully requests that the Examiner provide clarification regarding the status of this claim.

5. Conclusion

In view of the above, the cited references, whether taken alone or in combination, fail to recite each and every element in claims 1-48. Accordingly, claims 1-48 clearly are non-obvious and patentable over the cited references whether taken alone or in combination. Applicants submit that such claims are allowable for at least this reason. Accordingly, reconsideration and withdrawal of the rejections are requested.

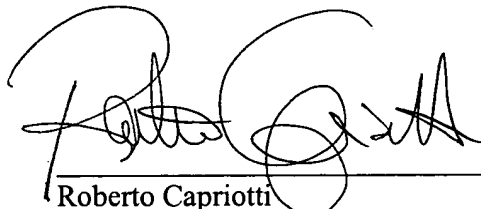
Applicants do not otherwise concede, however, the correctness of the rejections made in the Office Action with respect to any of the dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

Applicants submit that the present application is in condition for allowance and requests favorable action in the form of a Notice of Allowance. Should the Examiner believe that this application is in condition for disposition other than allowance, the Examiner is invited to contact the undersigned at the telephone number listed below in order to address the Examiner's concerns.

Please apply any necessary additional charges or credits to Deposit Account 11-1110.

Respectfully submitted,

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Date


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